



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,627	11/24/2003	Koji Takahashi	03500.008443.2	1298

5514 7590 08/28/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

POPOVICI, DOV

ART UNIT	PAPER NUMBER
----------	--------------

2625

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,627

Applicant(s)

TAKAHASHI, KOJI

Examiner

Dov Popovici

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 07/882,284.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Dov Popovici
Dov Popovici
Primary Examiner
Art Unit 2625

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al (U.S. 5,140,435).

With respect to claims 24, 27, 30, 31, 32, 36, 40, and 41, Suzuki discloses a video print system (figure 1) comprising: a storage medium for storing plural image information (the abstract, lines 1-2 or column 9, lines 44-64) and plural time information respectively concerning the plural image information (figure 37 and column 10, lines 37-67); setting means for setting a predetermined period (the predetermined period is between frames 1-9) (column 7, line 57 to column 8, line 5 and see figure 36 and column 40, line 45+; wherein Suzuki also discloses a predetermined time interval has elapsed); reading means for reading from said storage medium the image information including a time indicated by the time information, during the predetermined period set by said setting means (column 10, lines 37-68); and print means for printing an image based on the image information read by said reading means (column 12, lines 28-36).

With respect to claims 25, 28, 34, and 38, Suzuki discloses specifying print size information (column 11, lines 20-28).

With regard to claims 26, 29, 35, and 39, Suzuki discloses the storage medium is a tape-shaped storage medium (the abstract, lines 1-2).

With respect to claims 33 and 37, Suzuki discloses connecting the apparatus to a printer (21) via a bus (figure 1); reading the print information from the storage medium (column 10, lines 37-68), and sending the read information to the data bus (column 12, lines 28-36).

Response to Arguments

Applicant's arguments filed 5/3/2006 have been fully considered but they are not persuasive.

With respect to applicant argument that Suzuki does not teach setting a predetermined period as recited in claim 24, and neither operation involves the setting of a predetermined period as recited in claim 24, applicant argument has been considered, but not found to be persuasive because of the following reasons. Suzuki does disclose setting means for setting a predetermined period. The predetermined period is the time it takes between frames 1-9. See column 7, line 57 to column 8, line 5. Furthermore, Suzuki discloses in figure 36, a search mode and begin forward playback mode followed with a predetermined time elapsed (see figure 36). Suzuki discloses in column 40, lines 45+, after the search mode has been entered, and the VTR 51 set in the playback mode, then after a predetermined time interval has elapsed a VISS index signal is recorded on the magnetic tape, in response to control signals

from the system controller. Therefore, Suzuki teaches setting means for setting a predetermined period.

Applicant argues that Suzuki does not teach any operation that reads image information from a storage medium during a predetermined period set by setting means. Suzuki disclose reading means for reading from said storage medium the image information including a time indicated by the time information, during the predetermined period set by said setting means (column 10, lines 37-68).

Applicant argues that an image is not printed based on information read during a predetermined period set by setting means, rather an image is printed based on information read as a result of a keyboard input of a frame number. Suzuki discloses print means for printing an image based on the image information read by said reading means (column 12, lines 28-36). Suzuki does disclose setting means for setting a predetermined period. The predetermined period is the time it takes between frames 1-9. See column 7, line 57 to column 8, line 5. Furthermore, Suzuki discloses in figure 36, a search mode and begin forward playback mode followed with a predetermined time elapsed (see figure 36). Suzuki discloses in column 40, lines 45+, after the search mode has been entered, and the VTR 51 set in the playback mode, then after a predetermined time interval has elapsed a VISS index signal is recorded on the magnetic tape, in response to control signals from the system controller. Therefore, Suzuki teaches setting means for setting a predetermined period.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dov Popovici
Primary Examiner
Art Unit 2625